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June 28, 2012

Ms. Janice Pinero
Endangered Species Act Compliance Specialist
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8021 I Street, Suite 140
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Via E-mail and U.S. Mail

Re: Comments of the City of Folsom on Scope of EIS for
Implementation of Remanded Biological Opinions for Coordinated
CVP and SWP Operations

The City of Folsom appreciates this opportunity to comment on the scope of Reclamation's environmental impact statement (EIS) for its Operations Criteria and Plan (OCAP). Along with the City of Roseville, Sacramento Suburban Water District and San Juan Water District, the City is submitting a joint letter that describes regional concerns and issues related to the implementation of OCAP. In addition, the City has the following comments that are specific to its concerns:

- Project description – Conserved water – The EIS's project description must assume that the City will use, either in its service area or by transfer to a third party, all water that the City conserves pursuant to Senate Bill 7 (SB 7) that the California Legislature enacted in 2009. Under Water Code section 1011 and SB 7 (see Water Code section 10608.8(a)(1)), urban retail water suppliers retain the rights to water that they conserve. To the extent that water that the City conserves pursuant to SB 7 is water delivered under a CVP contract, CVPIA section 3405 authorizes the City to transfer all water subject to such a contract within the area of origin.
- Water-supply analysis – The EIS's analysis of the proposed project's impacts must separately assess its impacts on the City's supplies under the two water-right water contracts with Reclamation under which the City has rights and under the City's subcontract with Sacramento County Water Agency (SCWA) for deliveries under SCWA's CVP water-service contract. The City holds rights to water under pre-CVP water rights under Contract No. 14-06-200-5515A (contract between Reclamation and the City) and Contract No. 14-06-200-4816A (contract between Reclamation

Ms. Janice Pinero

June 28, 2012

Page 2

and Southern California Water Company, under which the City has rights via long-term lease). The City's right under Contract No. 14-06-200-5515A is to 22,000 acre-feet per year (AFY). The City's right under Contract No. 14-06-200-4816A is to 5,000 AFY. Reclamation must ensure that the City's full supplies under these contracts, and the water rights they represent, are satisfied whenever sufficient water is physically available to Folsom Reservoir.

Once again, the City appreciates the opportunity to comment on this matter. If Reclamation has questions concerning this letter, please do not hesitate contact the City.

Kind regards,

A handwritten signature in blue ink, appearing to read "Ryan S. Bezerra". The signature is stylized and cursive.

Ryan S. Bezerra

RSB:

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